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April 22, 2014

VIA ECF FILING

The Honorable Denise Cote
United States District Judge
United States District Court for the Southern District of New York

Re: *In re Electronic Books Antitrust Litigation*, 11-md-2293 (DLC);
State of Texas v. Penguin Group (USA) Inc., 12-cv-3394 (DLC)

Dear Judge Cote:

Apple respectfully requests that the Court rule on its Motion for a Stay Pending Appeal (“Motion”) by close of business on Wednesday, April 23, or, in the alternative, grant its request for an administrative stay of class notice (Dkt. 603, at 1).¹ Apple understands that the automated process for disseminating notice to class members cannot be stopped after 4 pm ET on April 28. As described in Apple’s Motion, courts routinely stay dissemination of class notice until after resolution of a petition for review filed pursuant to Fed. R. Civ. Proc. 23(f) (*see* Manual for Complex Litigation (4th) § 21.28), and Apple will suffer irreparable harm if notice is not stayed pending its appeals to the Second Circuit. In the event the Court has not ruled on Apple’s Motion by close of business on Wednesday, April 23, Apple respectfully requests that the Court grant an administrative stay so Apple will have time to seek effective relief in the Second Circuit prior to dissemination of notice.

Sincerely,

s/ Theodore J. Boutrous Jr.

Theodore J. Boutrous Jr.

¹ In the event the Court denies Apple’s motion, Apple further reiterates its request for an administrative stay for at least 72 hours so that Apple can seek relief from the Second Circuit.